



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

OCT 13 2015

REPLY TO THE ATTENTION OF:
LU-9J

Mr. Jan Utrecht, M.S.
Director, Environmental Health and Safety
University of Cincinnati
P.O. Box 210218
Cincinnati, Ohio 45221-0218

RE: PCB Soil Remediation Plan, Scioto Hall, University of Cincinnati

Dear Mr. Utrecht:

The U.S. Environmental Protection Agency has reviewed your September 28, 2015 Polychlorinated Biphenyls (PCB) Remediation Plan for the remediation of PCB contaminated soil at the above referenced property.

The document describes the characterization data collected and details the proposed soil remediation plan for PCB Remediation Waste soils impacted from building materials at the Scioto Hall, on the University of Cincinnati campus in Cincinnati, Ohio. Your work plan states that you will excavate and dispose of PCB impacted soils off-site and confirm remaining soils are at or below the cleanup level of 1 ppm for high occupancy use under 40 C.F.R. § 761.61(a)(4)(i)(A).

The EPA has determined that your work plan meets the self-implementing cleanup and disposal requirements of 40 CFR § 761.61(a) for PCB remediation waste. The Work Plan is hereby approved subject to the following conditions:

1. As stated in 40 CFR § 761.61(a), you must conduct the cleanup in accordance with all applicable requirements of 40 CFR §§ 761.61(a)(1) through (9). To assist you in completing the cleanup successfully, the enclosure identifies specific conditions related to these requirements and are noted in bold italics following the regulatory citation.
2. You must prepare a Cleanup Completion Report that documents how you conducted the cleanup in accordance with the applicable regulatory requirements, including those marked with an "X" in the enclosure. This report is due within six months after the completion of remedial activities under this approval.

This letter does not relieve the site owner, University of Cincinnati, from compliance with any other federal, state or local regulation and does not preclude EPA from initiating any enforcement action, including an action seeking civil penalties for any violation of federal regulations. All applicable requirements of TSCA and its regulations will continue to apply to the site after any transfer in ownership.

In addition, if you wish to make any changes to your work plan (including changes in the project schedule), then you must submit your proposal to Peter Ramanauskas, of my staff, in writing no less than 14 calendar days prior to the proposed implementation of the change. If you have any questions, please contact him at ramanauskas.peter@epa.gov or (312) 886-7890.

Sincerely,

A handwritten signature in black ink, appearing to read "Jose G. Cisneros".

Jose G. Cisneros, Chief
Remediation and Reuse Branch

Enclosure

cc: Bonnie Buthker, Manager DMWM, Ohio EPA

Tim Ingram, Health Commissioner, Hamilton County Department of Public Health

Bradley Miller, Assistant Director, Hamilton County Department of Environmental Services

ENCLOSURE

Regulatory Requirements of 40 CFR §761.61(a)

(4) **Cleanup levels.** For purposes of cleaning, decontaminating, or removing PCB remediation waste under this section, there are four general waste categories: bulk PCB remediation waste, non-porous surfaces, porous surfaces, and liquids. Cleanup levels are based on the kind of material and the potential exposure to PCBs left after cleanup is completed.

(i) *Bulk PCB remediation waste.* Bulk PCB remediation waste includes, but is not limited to, the following non-liquid PCB remediation waste: soil, sediments, dredged materials, muds, PCB sewage sludge, and industrial sludge.

[X] (A) *High occupancy areas.* The cleanup level for bulk PCB remediation waste in high occupancy areas is ≤ 1 ppm without further conditions. High occupancy areas where bulk PCB remediation waste remains at concentrations > 1 ppm and ≤ 10 ppm shall be covered with a cap meeting the requirements of paragraphs (a)(7) and (a)(8) of this section.

All soils at Scioto Hall with concentrations exceeding 1 ppm are scheduled for removal and off-site disposal.

(5) **Site cleanup.** In addition to the options set out in this paragraph, PCB disposal technologies approved under §§761.60 and 761.70 are acceptable for on-site self-implementing PCB remediation waste disposal within the confines of the operating conditions of the respective approvals.

(i) *Bulk PCB remediation waste.* Any person cleaning up bulk PCB remediation waste shall do so to the levels in paragraph (a)(4)(i) of this section.

(B) Bulk PCB remediation waste may be sent off-site for decontamination or disposal in accordance with this paragraph, provided the waste is either dewatered on-site or transported off-site in containers meeting the requirements of the DOT Hazardous Materials Regulations (HMR) at 49 CFR parts 171 through 180.

[X] (1) Removed water shall be disposed of according to paragraph (b)(1) of this section.

[X] (2) Any person disposing off-site of dewatered bulk PCB remediation waste shall do so as follows:

(i) Unless sampled and analyzed for disposal according to the procedures set out in §§761.283, 761.286, and 761.292, the bulk PCB remediation waste shall be assumed to contain ≥ 50 ppm PCBs.

(ii) Bulk PCB remediation wastes with a PCB concentration of < 50 ppm shall be disposed of in accordance with paragraph (a)(5)(v)(A) of this section.

(iii) Bulk PCB remediation wastes with a PCB concentration ≥ 50 ppm shall be disposed of in a hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA, or a PCB disposal facility approved under this part.

(iv) The generator must provide written notice, including the quantity to be shipped and highest concentration of PCBs (using extraction EPA Method 3500B/3540C or Method 3500B/3550B followed by chemical analysis using EPA Method 8082 in SW-846 or methods validated under subpart Q of this part) at least 15 days before the first shipment of bulk PCB remediation waste from each cleanup site by the generator, to each off-site facility where the waste is destined for an area not subject to a TSCA PCB Disposal Approval.

PCB impacted soils may be disposed of off-site as allowed for under this section.

[X] (v) *Cleanup wastes.* Any person generating the following wastes during and from the cleanup of PCB remediation waste shall dispose of or reuse them using one of the following methods:

[X] (A) Non-liquid cleaning materials and personal protective equipment waste at any concentration, including non-porous surfaces and other non-liquid materials such as rags, gloves, booties, other disposable personal protective equipment, and similar materials resulting from cleanup activities shall be either decontaminated in accordance with §761.79(b) or (c), or disposed of in one of the following facilities, without regard to the requirements of subparts J and K of this part:

(1) A facility permitted, licensed, or registered by a State to manage municipal solid waste subject to part 258 of this chapter.

(2) A facility permitted, licensed, or registered by a State to manage non-municipal non-hazardous waste subject to §§257.5 through 257.30 of this chapter, as applicable.

(3) A hazardous waste landfill permitted by EPA under section 3004 of RCRA, or by a State authorized under section 3006 of RCRA.

(4) A PCB disposal facility approved under this part.

(6) *Cleanup verification* —

[X] (i) *Sampling and analysis.* Any person collecting and analyzing samples to verify the cleanup and on-site disposal of bulk PCB remediation wastes and porous surfaces must do so in accordance with subpart O of this part. Any person collecting and analyzing samples from non-porous surfaces must do so in accordance with subpart P of this part. Any person collecting and analyzing samples from liquids must do so in accordance with §761.269. Any person conducting interim sampling during PCB remediation waste cleanup to determine when to sample to verify that cleanup is complete, may use PCB field screening tests.

[X] (ii) *Verification.*

(A) Where sample analysis results in a measurement of PCBs less than or equal to the levels specified in paragraph (a)(4) of this section, self-implementing cleanup is complete.

(B) Where sample analysis results in a measurement of PCBs greater than the levels specified in paragraph (a)(4) of this section, self-implementing cleanup of the sampled PCB remediation waste is not complete. The owner or operator of the site must either dispose of the sampled PCB remediation waste, or reclean the waste represented by the sample and reinitiate sampling and analysis in accordance with paragraph (a)(6)(i) of this section.

Subsequent to removal of PCB impacted soils, soils will be sampled in accordance with Subpart O to ensure complete removal of soils with concentrations exceeding the 1 ppm criterion. Additional soil removal and testing will be conducted in any area which does not meet the 1 ppm criterion.

- ☒ (9) **Recordkeeping.** For paragraphs (a)(3), (a)(4), and (a)(5) of this section, recordkeeping is required in accordance with §761.125(c)(5).

